



FSU
FREE SPEECH UNION

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Professor Lisa Roberts
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18th February 2021

Dear Professor Roberts and Ms Blake,

Many thanks for your letter dated 16 February 2021.

I am pleased to hear that the Guild and University have been working together on this matter. This gives me some confidence that the University will, as required by law, take active steps to ensure that the Guild's external speaker policy complies with free speech requirements.

We remain concerned, however, that you have not provided a specific end-date for the current embargo on external speaker events, nor explained the specific new risks that have led the Guild and University to overhaul the external speaker policy.

We are confident that the embargo on visiting speakers represents a failure to secure freedom of speech at the University of Exeter. It denies to Exeter students the opportunity to receive and challenge information and ideas from visiting speakers.

In contrast to (and in breach of) the University's very clear free speech Code of Practice, your letter does not set out 'reasonably practicable steps' taken to secure free speech in the face of risk. It simply asserts unspecified 'risk' as a justification for an embargo on speaking events. This is hard to understand, given that all the events that have been cancelled were due to take place over Zoom. This is not sufficient justification.

Were the risk sufficiently serious to justify interference with free expression, it would be serious enough to be communicated to students. We understand that neither the University nor the Guild has explained to students the putative risks that beset them. We are perplexed, moreover, as to why these risks could not have been addressed and mitigated prior to the start of term, when interruption could have been avoided. It is no small thing to force every student society at Exeter to cancel, at a moment's notice and without any proper explanation, all the external speaker events that they have spent months planning.

We reasonably infer, therefore: that the University and Guild believe that they cannot publicly justify this policy; that the 'risk' will not in fact prevent reasonably practicable steps being taken to secure free speech; and that the University is therefore in breach of its legal obligations under section 43 of the Education (No 2) Act 1986.

In our letter to you of 12 February 2021, we suggested that the University should take steps now to secure free speech, ahead of imminent new academic free speech law being proposed by the government. That suggestion proved prescient. In a [letter of 16 February](#) to you, Professor Roberts, and other English university leaders, the Secretary of State for Education urged you to be 'at the forefront of ensuring a culture that values free speech is embedded and actively challenging those who would curtail it.' The letter referred to the recent command paper on [Higher education: free speech and academic freedom](#):

our document also includes a set of Government expectations, which set out best practices which I believe all registered higher education providers should ideally be ensuring they are in accordance with. In advance of legislation, I would urge you to review your existing internal practices against these expectations and make changes where necessary.

The expectations are set out at Annex B of the paper:

The HEP does not require unnecessarily complicated or burdensome processes to be followed in connection with the organisation of events or activities, recognising that such requirements may dissuade students from seeking to organise events or activities and thereby inhibit free speech.

We believe that an embargo on speaking events, with no end date in sight and on grounds of unexplained 'risk', fall well short of these expectations. Annex B continues:

When an activity or event falls to be considered under the HEP's section 43 code of practice, the HEP's starting point is that the event or activity should be allowed to proceed, without any restrictions or mitigations, such as requiring a speech to be shared in advance. Such restrictions or mitigations should not be applied as a default.

The University and Guild have not justified their departure from the expected starting point. In the absence of proper justification, this policy constitutes a default ban.

The Secretary of State has also made it clear in Annex B that there should be no obligation on student societies to secure the approval of student unions before organising events or activities which means that your decision to cancel all such events until a new, more cumbersome approvals process can be put in place by the Guild also falls well short of the expectations:

The HEP takes reasonably practicable steps to ensure that any student, including student societies, or staff member can organise a speaking event or activity where issues of free speech or academic freedom are relevant. There are no requirements for events or activities to be organised through the HEP's SU or other student representative body, and no reduction in access to university facilities simply because the SU is opposed to an event or activity.

The University and Guild have not set out why the embargo is a reasonable measure and there has been no attempt, which we know of, to provide an alternative process for organising speaking events.

The University and Guild are of course free to disregard our requests for further information. We believe, however, that they would be wise to do as the Secretary of State asks. Quite apart from that, we believe that as a matter of common courtesy the University owes its students an honest explanation for why their free

speech rights are being interfered with, and why their expensive university experience is being further diminished at a time when it is already a pale shadow of what it should be.

We therefore ask:

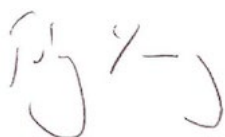
1. When will the blanket embargo on external speaking events end?
2. What specific risk(s) have the University and Guild identified which they believe justify this indefinite embargo?

We will make a separate Freedom of Information request in the hope of getting answers to the above questions, which we will happily withdraw in the event you provide answers by way of reply.

Until we are satisfied that the University and Guild are acting lawfully, we will also assist any students of the University who are members of the Free Speech Union in complaining to the University about this policy, and up to the OIA if necessary. If the policy has not been remedied in time, we will also bring this matter to the attention of the proposed Free Speech Champion on the board of the Office for Students.

I repeat, however, our previous pledge. We would prefer to collaborate with you on this, not attack you. Please work with us to help you put in place the free speech safeguards that the Secretary of State has asked for.

Yours sincerely,



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Cc Sunday Blake, President, Students' Guild
The Rt Hon Michelle Donelan, Universities Minister, Department for Education
Mr Iain Mansfield, Department for Education
Lord Wharton, Chair, Office for Students
Ms Nicola Dandridge, CEO, Office for Students
Mr David Smy, Office for Students